

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00118

ANTONIO TARVARES JOHNSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 31, 2022, the United States of America appeared by Negar A. Kordestani, Assistant United States Attorney, and the defendant, Antonio Tarvares Johnson appeared in person and by his counsel, Brady A. Campbell, Esq., for a hearing on the petition filed on July 28, 2020, and submitted by Kachine Jones, former United States Probation Officer, and amendment to petition filed on August 8, 2022, submitted by Mark Ruscello, United States Probation Officer, seeking revocation of supervised release. The defendant commenced a two (2) year, less one day term of supervised release in this criminal action, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on December 21, 2018.

The court heard the admissions of the defendant, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on July 14, 2020, the defendant was in possession with intent to distribute marijuana and fentanyl, two offenses which he has not only admitted but of which he has been convicted under West Virginia state law, in Kanawha County Circuit Court, (2) on March 4, 2020, the defendant submitted a urine sample that tested positive for amphetamine, methamphetamine, and marijuana, (3) on March 11, 2020, the defendant submitted a urine sample that tested positive for amphetamine and methamphetamine; (4) on July 13, 2020, the defendant submitted a urine sample that tested positive for marijuana and methamphetamine, and admitted to the use of marijuana and methamphetamine, (5) on July 14, 2020, the defendant was knowingly in possession of 9 mm ammunition which offense is contrary to the terms of his supervised release that he not own, possess, or have access to ammunition; all in violation of the terms of supervised release,

and as admitted to by the defendant, and all as found by a preponderance of the evidence, and as set forth in the petition an amendment on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this criminal action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b) (2) and (c) (1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIFTEEN (15) MONTHS imprisonment with credit for time served, and with no further term of supervised release imposed. The court further ORDERED that the defendant pay the remaining

unpaid balance of \$75.00 for the Special Assessment which was original imposed in the Judgment in a Criminal Case Order entered on January 3, 2017.

The court recommends that the defendant be housed at Yazoo City FCC, Mississippi, as feasible.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 9, 2022


John T. Copenhaver, Jr.
Senior United States District Judge